

ORIGINAL

FILED

March 3 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Randy S. Laedeke  
Attorney for Petitioner  
Address P.O. BOX 2216, BILLINGS, MT 59103  
Phone 406-252-6086  
Fax 406-254-6086  
E-mail [Laedekelawoffice@qwestoffice.net](mailto:Laedekelawoffice@qwestoffice.net)

FILED

MAR 03 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 10-0077

FRANK D'VORAK, dba MAJESTIC COVE PARK

Petitioner and Appellant,

v.

MOTION AND AFFIDAVIT IN SUPPORT  
OF MOTION TO PROCEED ON APPEAL  
WITHOUT PAYMENT OF FILING FEE

TAMERA COMPLEY,

Respondent and Appellee.

I move this Court to proceed without payment of the filing fee in this cause,  
and I submit this Affidavit in support of my motion.

I, Frank D'Vorak, being first duly sworn, depose and say that I am the  
Petitioner and Appellant in the above-entitled cause; that in support of my  
application to proceed on appeal without being required to pay the filing fee, I state  
that because of my financial condition I am unable to pay the filing fee; that I  
believe I am entitled to redress; and that the issues which I desire to present on  
appeal are the following:

1. Did the District Court error in upholding the Human Rights Commission Ruling that I sexually harassed Tamera Copley while she worked at Majestic Cove Park;
2. Did the alleged sexual harassment affected the conditions of her employment when it is undisputed that her job ended because Petitioner ran out of money;
3. Did the court error in finding that Petitioner retaliated when he reported the theft of two of his checks by Copley;
4. Did she suffer emotional distress from the alleged sexual harassment that warrants an award of \$30,000;
5. Is Petitioner liable for the amount of attorney fees that was assessed.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? No
  - a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

- 
- b. If the answer is no, state the date of your last employment and the amount

of the salary and wages per month which you received.

I was last employed in 1999 d.b.a. Badger Excavation and I do not recall the amount of salary I drew from that business at this time.

2. Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? Yes.

If the answer is yes, describe each source of income, and state the amount received from each during the past 12 months.

I receive \$904 per month social security benefits after medicare and other deductions. I receive rent paid to Majestic Cove Park that is turned over to Little Horn Bank for the mortgage payment.

3. Do you own any cash or checking or savings account? Yes.

If the answer is yes, state the total value of the items owned.

Cash. None

Checking. No personal account.

Savings is about \$300.00

Total \$300.00

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other

valuable property (excluding ordinary household furnishings and clothing)? Yes.

If the answer is yes, describe the property and state its approximate value.

Automobile \$12,578.07 is owed on 2007 Buick, most likely more than value of vehicle.  
Real Estate Value 225,000

Real Estate Debt ~~225,000~~ \$225,907.31  
and back taxes of about \$2,500.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

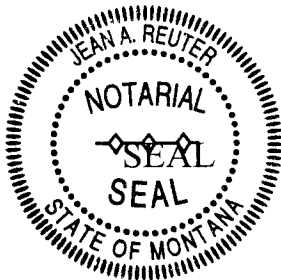
None

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

Frank D'Vorak

Frank D'Vorak

Subscribed and sworn to before me this 2<sup>nd</sup> day of March 2010.



Jean A Reuter

Notary Public for the State of Montana

Residing at Billing MT


My Commission expires September 17, 2012

CERTIFICATE OF SERVICE

I hereby certify that I have MAILED THE ORIGINAL of the foregoing MOTION AND AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED ON APPEAL WITHOUT PAYMENT OF FILING FEE to the Clerk of the Montana Supreme Court; and, that I have served true and accurate copy of the foregoing on Appellee's attorney of record as follows:

Gregory Tomocich  
P.O. BOX 20493  
Billings, MT 59104

Dated this 2<sup>nd</sup> day of March, 2010

  
\_\_\_\_\_  
Randy S. Laedeke 